

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
Edgemont School District  
Accountability Review - Monitoring Report 2011-2012**

**Team Members:** Chris Sargent and Donna Huber

**Dates of On Site Visit:** October, 4<sup>th</sup>, 2011

**Date of Report:** November 9, 2011

**All non-compliance must be corrected within 1 year of this report date. Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;

- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

#### **Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

#### **1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:22:03. Certified child.** A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

**ARSD 24:05:25:01. Evaluation, consent, eligibility, and placement procedures required.** Each school district shall establish and implement procedures which meet the requirements of this chapter, including nondiscriminatory practices, parental consent, initial evaluation, evaluation procedures, eligibility procedures, placement procedures, and reevaluation.

#### **Corrective Action:**

##### **Prong 1: Correct each individual case of noncompliance**

Evaluation data to support eligibility category and/or services provided was not consistently available if the student record.

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Students # 1 This student was reported on child count under the category of Other Health Impaired (555). Program addressed needs in the areas of reading, math and behavior. Skill bases assessment was not available in these areas.	<ol style="list-style-type: none"> <li>1. Initiate prior notice/consent and conduct skill based assessment in the areas of reading, math and behavior.</li> <li>2. Develop skill based assessment reports that will be given to parents.</li> <li>3. Initiate prior notice to conduct an IEP meeting.</li> <li>4. Review and revise the present levels of academic achievement and functional performance based upon the skill based assessment data.</li> <li>5. Amend other aspects of the IEP as appropriate to the student's disability.</li> </ol>	The district must submit the following documentation: <ol style="list-style-type: none"> <li>1. Prior notice/consent for evaluation</li> <li>2. Copies of all evaluation reports</li> <li>3. Prior notice for the meeting</li> <li>4. Revised individual education program (IEP)</li> </ol>
Students # 2 This student was reported on child count under the category of cognitive disability	Student moved therefore file cannot be corrected.	Refer to Prong 2

(510). An adaptive behavior evaluation and skill based assessment was not conducted to support this category of disability.		
<p>Students # 3</p> <p>This student was reported on child count under the category of specific learning disability (525). Skill based assessment was not conducted in the eligible areas of reading and writing expression. The multidisciplinary written report for specific learning disabilities was not complete.</p>	<ol style="list-style-type: none"> <li>1. Initiate prior notice/consent and conduct skill based assessment in the areas of reading, math and written expression.</li> <li>2. Develop skill based assessment reports that will be given to parents.</li> <li>3. Initiate prior notice to conduct an IEP meeting.</li> <li>4. Amend/complete the specific learning disabilities written report.</li> <li>5. Review and revise the present levels of academic achievement and functional performance based upon the skill based assessment data.</li> <li>6. Amend other aspects of the IEP as appropriate to the student's disability.</li> </ol>	<p>The district must submit the following documentation:</p> <ol style="list-style-type: none"> <li>1. Prior notice/consent for evaluation</li> <li>2. Copies of all evaluation reports</li> <li>3. Prior notice for the meeting</li> <li>4. SLD written report/eligibility document</li> <li>5. Revised individual education program (IEP)</li> </ol>
<p>Students # 5</p> <p>This student was reported on child count under the category of multiple disabilities (530) due to a cognitive disability and other health impairment. There was not adaptive behavior or medical diagnosis in the file to support the categories of disability.</p>	<ol style="list-style-type: none"> <li>1. Initiate prior notice/consent to gather evaluation data in the areas of adaptive behavior and medical information.</li> <li>2. Develop an evaluation report that will be given to parents.</li> <li>3. Initiate prior notice to conduct an IEP meeting.</li> <li>4. Review and amend the student's eligibility document to include information to support eligibility.</li> <li>5. Review and revise the present levels of academic achievement and functional performance based upon the evaluation data.</li> <li>6. Amend other aspects of the IEP as appropriate to the student's disability.</li> </ol>	<ol style="list-style-type: none"> <li>1. Prior notice/consent for evaluation</li> <li>2. Copies of all evaluation reports</li> <li>3. Prior notice for the meeting</li> <li>4. Amended eligibility document</li> <li>5. Revised individual education program (IEP)</li> </ol>
<p>Students # 6</p> <p>This student was reported on child count under the category of developmental delay (570). A comprehensive evaluation was not conducted when transitioning from Part C to Part B. Only a single procedure was used during evaluation.</p>	<ol style="list-style-type: none"> <li>1. Initiate prior notice/consent to gather evaluation data in the area of articulation and skill based assessment in all areas of eligibility.</li> <li>2. Develop an evaluation report that will be given to parents.</li> <li>3. Initiate prior notice to conduct an IEP meeting.</li> <li>4. Review and amend the student's eligibility document</li> </ol>	<ol style="list-style-type: none"> <li>1. Prior notice/consent for evaluation</li> <li>2. Copies of all evaluation reports</li> <li>3. Prior notice for the meeting</li> <li>4. Amended eligibility document</li> <li>5. Revised individual education program (IEP)</li> </ol>

Consideration was not given to the child's previous issue of articulation during the evaluation process. There was no skill based assessment conducted in the areas of eligibility.	<p>to include information to support eligible areas.</p> <p>5. Review and revise the present levels of academic achievement and functional performance based upon the evaluation data.</p> <p>6. Amend all other aspects of the IEP as appropriate to the student's disability.</p>	
<b>Timeline for Completion: December 15, 2011</b>		

## **2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:30:05. Content of notice.** The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

### **Corrective Action:**

<p><b>Prong 1: Correct each individual case of noncompliance</b></p> <p>All areas of evaluation on the prior notice were not consistently administered. Evaluations were administered in areas that were not included on the parental prior notice/consent.</p>		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Student #2: Behavior evaluations were conduct without parent consent.	Student has moved from the district therefore the file cannot be corrected	Refer to Prong #2
Student #5: Consent was received to conduct a speech (articulation) evaluation however this area was not assessed. A language evaluation was given without parent consent. An ability evaluation was conduct during the May 2011 evaluation. There was no evidence in the Ability report that the scores were invalid or that previous ability scores would be used	Steps implemented for General Supervision #1 will address the required action.	Documentation submitted for General Supervision #1 student #5 will be used to verify correction to this issue.

for determining eligibility. To support eligibility, previous scores were used.		
Student #6: Prior notice/consent was not obtained for the eligibility evaluations for this student to move from the part C program to the part B program.	Steps implemented for General Supervision #1 will address the required action.	Documentation submitted for General Supervision #1 student #6 will be used to verify correction to this issue.
<b>Timeline for Completion: December 15, 2011</b>		

### **3. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
  - (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or
  - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
- (2) A statement of measurable annual goals, including academic and functional goals, designed to:
  - (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
  - (b) Meet each of the student's other educational needs that result from the student's disability;...

#### **Corrective Action:**

**Prong 1: Correct each individual case of noncompliance**

Student programs were not developed in all eligible area resulting in a program which provides educational benefit.

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Students 1, 2 and 3: The IEPs for these students were not developed based upon skill based assessment.	The IEP team will review and revise current IEPs following additional evaluation. The IEP must contain all required content information and be developed to meet the educational needs of the student based upon the evaluation and eligibility results.	The district will submit a copy of the IEPs for students 1, 2, 3 and 5.
Student 5: A reevaluation and eligibility determination was completed on 11-7-10. An IEP was not written using the data from this current evaluation.		

**Timeline for Completion: December 15, 2011**

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:**

The district must review and update its policy, procedure and practice regarding the following:

- District procedure for referral, informal review, initial evaluation or review of existing data and reevaluation.
- Defining the team who will determine if evaluation is necessary and determination of suspected category(s) of disability.
- Individuals responsible for the completion of prior notice/consent and evaluations needed for the purpose of determining eligibility.
- Development of evaluation reports that must be provided to parents including administering and reporting skill based assessment.
- Determining eligibility and completing the eligibility documents.
- Developing an IEP that provides educational benefit.

The district will receive technical assistance regarding these issues. The training date, provider and participants will be documented and submitted to the team leader in support of verifying correction through updated data.

**Data To Be Submitted:**

Each special education teachers and the early childhood teacher will submit for one student who has been initially evaluated or reevaluated since the on-site review date a copy of the following:

1. Referral document (if applicable)
2. The prior notice/consent for evaluation
3. Copies of **all** the evaluation reports including skill based assessment and transition
4. Copy of the prior notice for the eligibility/IEP meeting,
5. Copy of the MDT/eligibility document and;
6. Copy of the IEP

**Target Date for Completion: May 1, 2012**

**All non-compliance must be corrected within 1 year of this report date.**

**Date:**

**Status Report:**